



Office of the Attorney General

Douglas B. Moylan

Attorney General of Guam

Solicitor's Division

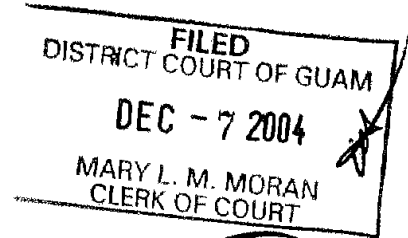
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Attorneys for Respondents

**IN THE DISTRICT COURT OF GUAM  
HAGÁTÑA, GUAM**

JULIE BABAUTA SANTOS, individually  
and on behalf of all those similarly situated,

Petitioner,

vs.

FELIX P. CAMACHO, Governor of Guam;  
ART ILAGAN, Director of Department of  
Revenue and Taxation; LOURDES M.  
PEREZ, Director of Department of  
Administration; DOUGLAS B. MOYLAN,  
Attorney General of Guam; and  
GOVERNMENT OF GUAM,

Respondents.

Civil Case No. 04-00006

**ATTORNEY GENERAL'S RESPONSE  
TO GOVERNOR'S OBJECTIONS AND  
OPPOSITION TO PETITIONER'S  
MOTION FOR APPROVAL OF THE  
ADMINISTRATION PLAN FILED  
NOVEMBER 24, 2004**

Douglas B. Moylan, Attorney General of Guam, and responds as follows to the Governor's  
Objections and Opposition to Petitioner's Motion for Approval of the Administration Plan filed  
November 24, 2004.

ORIGINAL

1 On December 6, 2004, the Attorney General filed the following documents with the Court:

- 2 1. Motion To Strike Appearance Of Calvo & Clark;  
3 2. Motion To Strike Appearance Of Rawlen Mantanona;  
4 3. Motion For Relief From Order;  
5 4. Declaration of Robert M. Weinberg.

6 The Attorney General respectfully submits that these documents, together with the Attorney  
7 General's "Memorandum of Points and Authorities in Response to Petitioner's Motion for Orders  
8 Approving Administration Plan, Etc.," filed on November 8, 2004, more than adequately address  
9 the entirety of the Objections and Opposition to Petitioner's Motion for Approval of the  
10 Administration Plan filed by the Governor on November 24, 2004. Rather than repeat the  
11 arguments presented therein, the Court is respectfully referred to those pleadings and documents,  
12 which are adopted and incorporated herein as if set out in full.  
13

14 The Governor's present protestations of illegality of the settlement, and his assertion of  
15 ignorance as to what has transpired to-date between the parties and between the Office of the  
16 Attorney General and its clients are misrepresentations of the facts and willful misapprehension  
17 of the applicable law. Having entered into a binding agreement, it is not the Governor's place to  
18 be making new and unauthorized legal arguments in this matter; it is his responsibility to comply  
19 with the law as applied to this case, and to abide by the terms of the settlement agreement the  
20 Governor and remaining respondents have signed.  
21

22 The respondents are bound to the terms of the settlement agreement which they either  
23 personally signed, or that was entered into on their behalves with lawful authority to do so. The  
24 Governor has presented no legitimate argument as to why he should now be able to second-guess  
25 himself and renege on an agreement duly signed and authorized under Guam law.

1 Furthermore, none of the objections raised by the Governor are new to this case, but have  
2 been raised previously by proposed intervenors. The intervention was denied in part because the  
3 proposed intervenors could raise those identical objections at the fairness hearing. Whatever  
4 objections to the legality of the agreement remain will doubtless be heard at the appropriate time  
5 and in the appropriate venue.

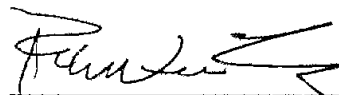
6 For the reasons previously argued to the Court, there is no basis for the Governor's  
7 independent objections. He is not authorized to appear and represent himself except through the  
8 Office of the Attorney General. All documents filed on his behalf other than by the Attorney  
9 General are due to be stricken.

#### 11 CONCLUSION

12 None of the Governor's objections are well taken. None of the pleadings purportedly  
13 filed on his behalf by any attorney other than the Office of the Attorney General are authorized  
14 by law, as the Attorney General is the sole legal representative of the Government of Guam  
15 respondents in this action. Those documents and objections are due to be stricken, and the  
16 Governor's objections and opposition are due to be overruled.

17 DATED this 7<sup>th</sup> day of December, 2004.

18 OFFICE OF THE ATTORNEY GENERAL  
19 Douglas B. Moylan, Attorney General

20 

21 ROBERT M. WEINBERG  
22 Assistant Attorney General  
23 Attorney for Respondents and  
24 Attorney General Douglas B. Moylan  
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